NEWS RELEASE

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WESTERN DISTRICT OF MISSOURI

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SEPTEMBER 9, 2005
FOR IMMEDIATE RELEASE

FORMER OWNERS OF OVERLAND PARK WEIGHT LOSS CLINIC ADMIT TO ILLEGALLY IMPORTING FEN-PHEN DRUG

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that the husband-and-wife owners of a now-closed weight loss clinic in Overland Park, Kan., admitted in federal court today that they illegally imported approximately 22 pounds of fenfluramine, one of two drugs used in the appetite suppressant prescription combination commonly known as "fen-phen."

Gregory M. Chollet, 52, and **Jackie Rae Springer**, 53, of Overland Park, admitted their guilt in a joint appearance before U.S. District Judge Scott O. Wright this morning. **Chollet** pleaded guilty to charges contained in a Sept. 27, 2001, federal indictment. **Springer** was placed on pretrial diversion after admitting her guilt and accepting a pretrial diversion agreement.

Springer, a medical doctor whose Kansas medical license has been revoked, formerly operated the Chollet Clinic for Weight Control, Inc., 11802 Quivira Road, in Overland Park, and **Chollet** served as the clinic's office manager. The clinic is now closed.

Both **Springer** and **Chollet** admitted that they worked together with a London-based company to unlawfully import approximately 10 kilograms of fenfluramine into the United States from Oct. 21, 1999, to Jan. 30, 2001. At the time, Graves said, fenfluramine was not legally available for use in the United States and could not be legally possessed for use in the United States.

Fenfluramine is a controlled substance that was formally banned from the market in the United States in March 1999 after a series of medical studies concluded that it was unsafe. The U.S. Food and Drug Administration had approved fenfluramine in 1973 for single-drug, short-term use as a prescription appetite suppressant. Similarly, in 1959, the FDA had approved the use of another drug, phentermine, for single-drug, short-term use as a prescription treatment for obesity. The FDA neither approved nor prohibited the use of "fen-phen," the two drugs

prescribed separately but in combination. However, in July 1997 the FDA issued a public health advisory warning that "fen-phen" users had experienced valvular heart disease or fatal pulmonary hypertension. Later, in September 1997, in response to a request from the FDA, the U.S. manufacturer of fenfluramine voluntarily withdrew the drug from the marketplace.

Springer and **Chollet** admitted that they contacted a pharmaceutical importing and exporting company in the United Kingdom in October 1999, paid $6,000 to purchase fenfluramine from the company, and directed the company to conceal the importation of the drug into the United States by means of false declarations to the U.S. Customs Service.

On June 1, 2000, **Springer** and **Chollet** caused the shipment of five kilograms (about 11 pounds) of fenfluramine from the United Kingdom to the Chollet Clinic in the United States. On September 12, 2000, they caused a second shipment of five kilograms (about 11 pounds) of the drug from the United Kingdom to a residence in Kansas City, Mo.

The package containing the September 2000 shipment of fenfluramine was accompanied by a customs declaration that falsely stated the package contained medical texts from University Press. That served as the basis for the second criminal charge of importation by means of false statements or declaration, to which **Chollet** also pleaded guilty.

Under federal statutes, **Chollet** could be subject to a sentence of up to seven years in federal prison without parole, plus a fine up to $500,000. A sentencing hearing will be scheduled after the completion of a presentence investigation by the United States Probation Office.

Under the terms of a pretrial diversion agreement, the government has agreed to defer prosecution against **Springer** for this offense for a period of 15 months provided that she complies with the conditions and requirements of the agreement. Those conditions include medical or psychiatric treatment, including treatment and counseling for alcohol or other drug dependency as well as any mental health disease or diagnosis, as directed by Pretrial Services. After successfully completing the pretrial diversion program, Graves said, the charges against her will be dismissed. If **Springer** violates the terms of the agreement, Graves explained, the government will resume prosecution against her. **Springer** has waived her right to a jury trial in that event, and the facts to which she admitted at today's court hearing would be used against her in a bench trial before a federal judge.

Under the terms of both the plea agreement and the pretrial diversion agreement, the government will dismiss a civil suit filed against **Springer** and **Chollet**, and they in turn will dismiss a civil suit they filed against the United States.

This case is being prosecuted by Senior Litigation Counsel Gene Porter. The case was investigated by the Office of Criminal Investigations for the FDA, the U.S. Customs Service, and the Drug Enforcement Administration.

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This news release, as well as additional information about the office of the United States

Attorney for the Western District of Missouri, is available on-line at
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